

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES HANNA

Petitioner,

-v-

TODD ISHEE, Warden

Respondent.

Case No. C-1:03-cv-801

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING HANNA'S OBJECTIONS (Doc. #128) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS DENYING HANNA'S PETITION FOR A WRIT OF HABEAS CORPUS (Doc. #126) IN ITS ENTIRETY AND TERMINATING THIS CASE

This matter comes before the Court pursuant to Petitioner James Hanna's ("Hanna's") Objections to Magistrate Judge Michael R. Merz's Report and Recommendations regarding Hanna's Petition for a Writ of Habeas Corpus. (Doc. #126.)¹ The Report and Recommendations were issued on December 18, 2008. On January 22, 2009, Hanna filed Objections. (Doc. #128.) The Warden responded to Hanna's Objections on February 20, 2009. (Doc. #131.) Hanna's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Hanna's Objections to the Magistrate Judge's Report and Recommendations are not

¹The Court notes that the fourth line on page 24 of the Report and Recommendations indicates that Hanna's "Second" Ground for Relief is procedurally defaulted. This should read Hanna's "First" Ground for Relief is procedurally defaulted.

well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is ADOPTED in its entirety.

Hanna's Petition for a Writ of Habeas Corpus is DISMISSED with prejudice. Judgment is to be entered in favor of the Respondent and against the Petitioner.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Sixth day of February, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record